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HIGH COURT OF CHHATTISGARH AT BILASPUR

M.A. No.87/2003

Single Bench: **Hon'ble Shri Dilip Raosaheb Deshmukh, J.**

Appellants
Defendants

1. S.E.C.L.
Through-General Manager,
Chirimiri, Sub Area G.M. Complex
Malvi Nagar, Post Podi,
Distt. Koriya (Chhattisgarh)

2. Sub Area Manager,
S.E.C.L. N.C.P.H. Colliery
Post at Haldibadi (Chirimiri)
Distt. Koriya (C.G.)

Versus

Respondent
Plaintiff

Manik Bhadra S/o late Shri Sudhir Kumar Bhadra, aged about 42 years, Occupation-Contractor,
R/o Haldibadi (Chirimiri)
Distt. Koriya (C.G.)

Appeal under Section 37 of the Arbitration and Conciliation Act, 1996.

Present:-
Shri H.B.Agrawal, Sr. Advocate with Shri J.K. Gupta, Advocate for the appellants.
Ms. Sharmila Singhai, counsel for the respondent.

ORAL ORDER

(Passed on 18th July, 2007)

Heard.

(2) The appellants are aggrieved by the judgment dated 03-09-2002 passed by the Additional District Judge, Manendragarh, District Koriya in Civil Suit No.3-A/1995 whereby the objection for setting aside an arbitral award dated 15-11-1997 passed by the arbitrator appointed with the consent of the parties was dismissed.

(3) Shri H. B. Agrawal, learned Sr. Advocate appearing on behalf of the appellants urged that he would assail the impugned order only on the ground that the compound interest of 18% awarded by the learned Additional District

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Judge from 28-08-1991 till recovery is exorbitant and cannot be said to be reasonable under Section 29 of the Arbitration Act 1940. No other point was urged.

(4) Ms. Sharmila Singhai, learned counsel for the respondent opposed the prayer.

(5) Having heard rival contentions, I have perused the impugned judgment.

(6) Under Section 29 of the Arbitration Act, 1940 interest to be awarded should be reasonable. I am of considered opinion that the interest of 18% awarded by the learned Additional District Judge is exorbitant and cannot be said to be reasonable. Therefore, award is accordingly modified and instead of 18%, compound interest @ 14% is awarded from 28-08-1991 till recovery of the amount awarded by the sole arbitrator.

(7) With the aforesaid modification, the appeal stands disposed of.

Sd/-
Dilip RaoSaheb Deshmukh
Judge